

DEPARTMENT OF SOCIAL SERVICES

744 P Street, MS 19-96, Sacramento, CA 95814



December 22, 2003

ALL-COUNTY INFORMATION NOTICE NO.: I-85-03

TO: ALL COUNTY WELFARE DIRECTORS
ALL ADULT PROTECTIVE SERVICES (APS)
PROGRAM MANAGERS
ALL COUNTY COUNSELS
ALL COUNTY PUBLIC GUARDIAN OFFICES

Reason For This Transmittal

- ☒ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by one or More Counties
- ☐ Initiated by CDSS

SUBJECT: 2003 CHAPTERED LEGISLATION IMPACTING THE ADULT
PROTECTIVE SERVICES PROGRAM

This All-County Information Notice provides a summary of statutes enacted during the 2003 legislative session that impact the Adult Protective Services program. The attached legislative summaries of Assembly Bills and Senate Bills are for general informational purposes only.

Unless otherwise noted, these statutes will become effective on January 1, 2004. If you have any questions regarding this notice, you may contact the Adult Programs Branch, Operations and Technical Assistance Unit, at (916) 229-4000.

Sincerely,

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment

c: CWDA

AB 634 (Steinberg) Chapter 242, Statutes of 2003

Crimes against elders and dependent adults. Expands the list of acts that constitute misuse of the legal discovery process to include destruction of evidence in civil actions alleging a violation of Elder Abuse and Dependent Adult Civil Protection Act. The bill provides that confidential settlement agreements are disfavored in cases of elder or dependent adult abuse or neglect and establishes conditions for the use of such agreements.

AB 1131 (Jackson) Chapter 543, Statutes of 2003

Crimes against elders and dependent adults. Expands existing law that makes it a crime for a caretaker of an elder or dependent adult to commit theft or embezzlement to include forgery, fraud, or identity theft.

SB 226 (Cedillo) Chapter 498, Statutes of 2003

Firearms. Prohibits the ownership, possession, purchase, or receipt of a firearm by a person who is prohibited from doing so by the provisions of a protective order arising from elder or dependent adult abuse.

SB 577 (Kuehl) Chapter 878, Statutes of 2003

Protection and Advocacy. Expands the authority of the existing protection and advocacy agency, which is charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders, to include persons with disabilities.

Under existing law, a protection and advocacy agency's powers include the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities and persons with mental illness, to provide information and referral to programs and services addressing the needs of persons with developmental disabilities and persons with mental illness, and to investigate any incident of abuse or neglect of persons with developmental disabilities or persons with mental illness if the complaints are reported to the protection and advocacy agency or if probable cause exists to believe that abuse or neglect has occurred. This bill makes changes in definitions used in these provisions and defines additional terms. This bill expands and defines the protection and advocacy agency's right to access to public or private facilities and programs and to recipients. This bill also expands and defines the protection and advocacy agency's right of access to records of persons with disabilities.

This bill states specifically that it does not supplant the jurisdiction of the Adult Protective Services (APS) program or of the Long-Term Care Ombudsman program. This bill states specifically that it does not alter or impact the Elder and Dependent Adult Civil Protection Act. The Bill also states specifically that the APS program retains all of its existing responsibilities.

SB 851 (Committee on Public Safety) Chapter 468, Statutes of 2003

Omnibus Bill. The Adult Protective Services portion of this bill provides that a county shall not be required to report on or respond to a report of abuse that involves danger to an elder or dependent adult residing in any facility for incarceration of prisoners when the abuse has occurred in that facility.